

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**RUFINO J. VILLARREAL,**

**Defendant.**

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**8:07CR69**

**ORDER CONTINUING TRIAL**

This matter is before the court on the defendant's motion to continue trial [30], which is now set for December 18, 2007. The defendant has filed a waiver of speedy trial. For good cause shown, and after consultation with the trial judge,

**IT IS ORDERED** that the motion to continue trial [30] is granted as follows:

1. The above-entitled case is scheduled for a **non-jury trial** before the Honorable Laurie Smith Camp, District Court Judge, to begin **February 12, 2008 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), I find that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **December 18, 2007 and February 12, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the nature of the case and the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED December 4, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**